

Subject: OUT-OF-CLASS ASSIGNMENT/PAY

REFERENCES	SECTIONS
Classification and Pay (C & P) Guide	Section 375 (Revised 6/04)
Human Resources Policy Memos http://www.ohr.dgs.ca.gov/HRMemos/default.htm	96-29
Law & Regulation http://www.dpa.ca.gov/statesys/dpa/laws.htm http://www.dpa.ca.gov/statesys/oalrules.htm	GC: 905.2, 19050.8, 19818.16(A), 19818.18 DPA Rule: 599.671, 599.810, 599.904 SPB Rule 212, 302.3, 442
Memo of Understanding (MOU) http://www.dpa.ca.gov/collbarg/contract/bumenu.shtml	Refer to Employee's MOU
Pay Scales http://www.dpa.ca.gov/jobinfo/pay_scales/toc.shtml	Section 16
Payroll Procedures Manual (PPM) http://www.sco.ca.gov/ppsd/ppm/index.shtml	Section G825-G830
Responsible Control Agency and Program	State Personnel Board Department of Personnel Administration
Selection Manual (Old)	Sections 6200.25-6200.28
SPB/DPA Policy Memos http://www.dpa.ca.gov/statesys/dpa/src/hfpml.shtml	PML 96-032, 2004-022
Other:	
Public Employee Relations Board (PERB)	Chapter 10, Section 3527(b) http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=65035626985+6+0+0&WAIAction=retrieve

Out-of-Class (OOC) Assignment/Pay

Definition For excluded and most rank-and-file employees, OOC work is defined as performing the full range of duties and responsibilities allocated to an existing class more than 50 percent of the time, and the position is not allocated to the class in which the person has a current, legal appointment. This indicates that there has been an inappropriate assignment or assuming of duties of either a higher or lower classification.

Please refer to the appropriate Memorandum of Understanding (MOU) for the exact definition of OOC work.

Employees are not working out-of-class when:

- a. They are on a training and development assignment (T&D), in an apprenticeship or other training classification, or performing duties because of an injury, illness, or return-to-work program.
- b. Changes are made to classifications and/or allocation standards and the employee claims to have been working in a higher classification prior to the effective date of the changes.
- c. The employee requests the higher level duties for career development, personal convenience, or personal gain.
- d. The current class specification permits the performance of such duties, or it cannot be determined that an employee was functioning at the higher level.
- e. The grievance is based upon alleged accelerated movement in a deep class series (e.g., Staff Services Analyst, ranges A, B, and C) or from the trainee to/through journey level of a class series.

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Out-of-Class (OOC) Assignment/Pay, Continued

Policy

It is the Department of General Services' policy that out-of-class assignments are **rare** or at least **infrequent** occurrences (final alternative) prompted by extraordinary, temporary, or crisis situations. In those exceptional situations where the office/division receives approval to offer an out-of-class opportunity to their staff (due to the lack of any other viable alternative), the opportunity **shall** be made available to all staff within the office/division via an e-mail or hard copy of the JOB. Interested employees are given the same time period to apply as any other vacant position advertisement – **10 working days**. Compensation for an out-of-class assignment may be authorized if the request is submitted **prior** to serving in the out-of-class assignment and the assignment is longer than 15 days. If the request is not submitted **prior** to serving in the out-of-class assignment, the compensation issue shall be resolved through the grievance process.

Alternatives to OOC assignments

Managers and supervisors should adhere to the standard hiring process (refer to the RPA Process section in this manual) prior to requesting an OOC assignment. Some alternatives to an OOC assignment, if there is no hiring freeze include:

- Limited-term appointment
- If no list, temporary authorization utilization (TAU) (**last resort**)
- Temporary assignment of work to appropriately classified position
- Rotating assignments
- Training and Development (T&D) assignments
- Acting assignments under the State Personnel Board (SPB) Rule 302.3 (compensable up to 60 workdays)
- Compelling management need assignments under SPB Rule 442 (compensable)

Note: SPB Rule 302.3 should **not** be used when the acting assignment can reasonably meet the OOC provisions in a current MOU agreement or in the DPA Rule 599.810. In addition, SPB Rule 302.3, pertaining to acting assignments, should not be used in sequence with MOU or DPA Rule 599.810

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Out-of-Class (OOC) Assignment/Pay, Continued

Request for OOC assignment

If all alternatives, as discussed above, have been exhausted and you have not filled the vacancy, then you may submit a request for an OOC assignment. The following table identifies the steps and actions required to request an OOC assignment.

Step	Action						
1	<p>The Program submits Part I of the Out-of-Class Checklist via an email to the Classification and Pay (C&P) Analyst for pre-approval which includes the following information:</p> <ul style="list-style-type: none">• Reason for the assignment (how and why it is absolutely essential and/or critical to the continued operation of the organizational unit)• Explanation as to why an alternative appointment (see above) is not being used• Plan for resolving the OOC situation (what action will be taken at the conclusion of the OOC)						
2	<p>The C&P Analyst will review the request based on DPA criteria and notify the Program of his/her decision.</p> <table><tr><th>If</th><th>Then</th></tr><tr><td>Denied</td><td>Program may appeal C&P Analyst's decision to the Assistant Manager, Classification and Pay Unit</td></tr><tr><td>Approved</td><td>Program submits a copy of the job opportunity bulletin (JOB) via an email to the C&P Analyst (the vacancy must be re-advertised indicating an OOC opportunity)</td></tr></table>	If	Then	Denied	Program may appeal C&P Analyst's decision to the Assistant Manager, Classification and Pay Unit	Approved	Program submits a copy of the job opportunity bulletin (JOB) via an email to the C&P Analyst (the vacancy must be re-advertised indicating an OOC opportunity)
If	Then						
Denied	Program may appeal C&P Analyst's decision to the Assistant Manager, Classification and Pay Unit						
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Out-of-Class (OOC) Assignment/Pay, Continued

Request for OOC assignment (continued)

Step	Action						
3	Following the mandatory advertising period and selection process, the Program submits Part II of the Out-of-Class Checklist via an email to the C&P Analyst which includes the following information: <ul style="list-style-type: none">• Name, location, and classification of employee filling the assignment• Time period involved (beginning and ending date)• Copy of the employee's current essential functions duty statement• Copy of the OOC assignment essential functions duty statement• A current and proposed organization chart						
4	<p>The C&P Analyst will verify eligibility of the selected employee for an OOC assignment.</p> <table><tr><th>If</th><th>Then</th></tr><tr><td>Denied</td><td>Program may select another employee from those interviewed</td></tr><tr><td>Approved</td><td>C&P Analyst will:<ul style="list-style-type: none">• notify the Program• notify the employee in writing of the OOC assignment• file a copy in the OOC file for audit purposes• forward a copy to the Personnel Specialist (PS) in the Personnel Transactions Unit (PTU) for compensation processing• place a copy in the employee's Official Personnel Folder (OPF)</td></tr></table>	If	Then	Denied	Program may select another employee from those interviewed	Approved	C&P Analyst will: <ul style="list-style-type: none">• notify the Program• notify the employee in writing of the OOC assignment• file a copy in the OOC file for audit purposes• forward a copy to the Personnel Specialist (PS) in the Personnel Transactions Unit (PTU) for compensation processing• place a copy in the employee's Official Personnel Folder (OPF)
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Out-of-Class (OOC) Assignment/Pay, Continued

Request for OOC assignment (continued)

Step	Action						
If an extension is requested, continue to Step 5.							
5	Depending on the MOU, some OOC assignments may be extended past 120 days. If an extension is required, the Program must submit Part III of the Out-of-Class Checklist prior to the expiration date of the original OOC assignment, which includes the following information: <ul style="list-style-type: none">• time period involved• reason for the requested extension						
6	The C&P Analyst will review pursuant to established criteria: <table><tr><th>If</th><th>Then</th></tr><tr><td>Denied</td><td>Program must begin hiring process again</td></tr><tr><td>Approved</td><td>C&P Analyst will re-notify all parties involved as discussed above</td></tr></table>	If	Then	Denied	Program must begin hiring process again	Approved	C&P Analyst will re-notify all parties involved as discussed above
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Out-of-class pay

Out-of-class pay is requested after the completion of the pay period. The employee will receive a supplemental warrant reflecting the out-of-class pay.

An employee working out-of-class in a supervisory class CANNOT be compensated for overtime unless the supervisory class is in Work Week Group (WWG) 2. Additionally, a rank and file employee working out-of-class in a supervisory position cannot return to his/her non-supervisory position to be compensated for overtime during the out-of-class assignment.

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Out-of-Class (OOC) Assignment/Pay, Continued

OOC grievances

Represented:

As stipulated in their MOU's, all represented employees (except in Bargaining Unit 5) may file grievances concerning any disputes arising from OOC assignments in accordance with the respective bargaining unit grievance procedure.

Excluded:

Excluded employees who believe that they have been assigned OOC duties may file an Excluded Employee Grievance Form 631 within 30 days of the completion of the alleged OOC duties.

Retroactive:

In accordance with the provisions of GC Section 19818.16(a), retroactive payment of an OOC grievance shall be awarded for a period no greater than one year preceding the filing of the grievance.

Out-of-class grievance payments:

If the OOC grievance is approved within the department it is no longer required that the grievance be sent to the DPA for final level of review. If the department approves the grievance, payment can be made using STD 674 (Payroll Adjustment Notice).

If the department denies the grievance and the employee appeals to the DPA or if the employee files directly with the DPA and the department is requested to provide information, and the DPA should approve the grievance, payments are made through the SCO's Premium Pay Unit. When the DPA certifies approval of a specific period of time for OOC work, the "Release of All Claims" form and the STD 674 are initiated by the DPA and sent to the Personnel Transactions Unit (PTU) for calculation of the correct amount for the OOC payment.

C&P Analysts, please refer to the C&P Guide for a complete description of the process. C&P Analysts shall provide the employee with the following when a grievance for OOC work is received:

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Out-of-Class (OOC) Assignment/Pay, Continued

OOC grievances (continued)

- letter to employee detailing the method of investigation, definition of OOC, findings, conclusion, final decision, and appeal rights
- breakdown of the calculation of payment amount, unless there is a settlement agreement
- employee contract grievance form (STD 630, STD 631), which the employee submitted to start the grievance process

When PTU staff receives a copy of the entire package, discussed above, s/he will process the request for payment using STD 674.

Attachments

[OOC Approval/Denial Sample](#); [OOC Employee Notification \(end\) Sample](#); [Employee Contract Grievance, STD 630](#); [Excluded Employee Complaint, STD 631](#); [Sample OOC grievance response](#); [Out-of-Class Checklist](#), [Out-of-Class Contract Provisions Table\(Revised 6-7-04\)](#), [OOC Claim Approval form](#), [Release of All Claims form](#), [Payroll Adjustment Notice-STD 674](#)
